



STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT)
APPLICATION OF VERIZON NEW)
JERSEY INC. AND FOCAL COMMUNI-)
CATIONS CORPORATION OF NEW)
JERSEY FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT)
UNDER SECTION 252 OF THE TELE-)
COMMUNICATIONS ACT OF 1996)

ORDER APPROVING
INTERCONNECTION AGREEMENT

DOCKET NO. TO01050311

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated May 15, 2001, Verizon New Jersey, Inc. (Verizon), a New Jersey corporation, and Focal Communications Corporation of New Jersey (Focal), a Delaware limited liability company, (individually, a Party, and jointly, the Parties), pursuant to Section 252(i) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, (codified in scattered sections of 47 U.S.C. §151 et seq.) (the Act), submitted to the Board of Public Utilities (Board) a joint application (Application) for approval of a certain negotiated interconnection agreement dated November 1, 2000 (Agreement). Focal is a local exchange carrier (LEC) as defined by the Act. See 47 U.S.C. §153(26). Verizon is an incumbent local exchange carrier as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act. See 47 U.S.C. §251(c) and §251(h)(1). The Agreement contains various rates, terms and conditions of interconnection of the networks of Focal and Verizon, which are necessary for Focal to offer local telecommunications services within New Jersey.

The Agreement sets forth the terms, conditions and prices under which Verizon will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to Focal within each local access and transport area (LATA) in which they both operate in New Jersey. The Agreement sets forth a detailed schedule of itemized charges. The Agreement is in effect until September 30, 2002, and thereafter the Agreement shall continue in full force and effect unless terminated as provided in the Agreement.

DISCUSSION

Pursuant to 47 U.S.C. §252(a)(1), an incumbent LEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service or network elements without regard to the standards set forth in 47 U.S.C. §251(b) and (c). In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a

negotiated agreement only if it finds that:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

[47 U.S.C. §252(e)(2)(A)].

The Board's review of the Agreement and the record in this matter indicates that the Agreement is consistent with the public interest, convenience and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board FINDS that the Agreement meets the standards set forth in the Act, and HEREBY APPROVES the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement. Approval does not constitute a determination concerning Verizon's obligations pursuant to Section 271 of the Act, although the Agreement will be taken into consideration in that determination. In addition, approval does not constitute a determination concerning, nor shall the Board be bound by, provisions within the Agreement regarding the confidentiality of information.

The Board notes that amendments or modifications to Board approved interconnection agreements are subject to Board review and approval. No agreement can be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

Pursuant to 47 U.S.C. §252(h), a copy of the Agreement shall be made available for public inspection and copying within ten days of the issuance of this Order.

DATED: June 6, 2001

BOARD OF PUBLIC UTILITIES
BY:

(Signed)
CAROL J. MURPHY
ACTING PRESIDENT

(Signed)
FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(Signed)
FRANCES L. SMITH
SECRETARY